

DETAILED ACTION

Response to Amendment

Claims 1 and 14 are amended and claims 23-26 are added. Claims 1-26 are currently pending.

Response to Arguments

The applicant's remarks with respect to the specification objection and 35 USC section 101 rejection are persuasive and therefore these objections and rejections have been withdrawn.

The applicant's remarks with respect to the Davis reference are not persuasive. The applicant's claims language in the independent claims only requires a "cookie value" and not a cookie. The session id taught by Davis reads on the claimed "cookie value" because the col. 11, lines 53-62 of Davis state that the session state (id) is used to create the cookie. Therefore it is clearly a cookie "value". The client side stub reads on the broadly claimed "controller" because the applicant's claims provide no contextual information as to where in the network the "controller" and "controller generator" are implemented. The shopping cart software discussed in col. 8 of Davis reads on the "cookie manager" because the shopping cart software clearly manages the values that end up in cookies in column 11.

The applicant's new claims 23-26 do explicitly tie the cookie value to the cookie but these claims are still not viewed as patentable as illustrated in the new rejections of these claims. In order to further prosecution the applicant needs to amend the claims to: a) point out where in the network paradigm each of the claim limitations is being implemented and b) precisely claim the sequence in which the applicant's limitations are being implemented. Such amendments would

likely overcome the current prior art however further search and consideration would be necessary to determine patentability.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,254,634 to Davis et al.

The claims are rejected for the same reasoning presented in the 4/11/2008 office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 7,254,634 to Davis et al. in view of U.S. Patent Number 7,197,547 to Miller et al.

As to claims 23-26, Davis teaches the subject matter of the independent claims however Davis does not explicitly teach providing a user a cookie comprising the cookie value. Instead Davis teaches providing the shopping cart value as part of a session id that is then used as a cookie value as explained above.

Miller shows that a session id for a shopping cart can be sent to the client as a cookie (col. 1, line 62-col. 2, line 25).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Davis regarding the management of cookie values with the teachings of Miller regarding presenting a cookie to the client because Davis does not explicitly state in which form the session state is transmitted from the server to the client so Miller provides one feasible manner of doing so. Combining the teachings of Miller to Davis would produce a predictable result as both inventions implement shopping carts in a similar manner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442

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